

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In Re: BP P.L.C. SECURITIES
LITIGATION

MDL No. 2185
Civil Action No. 4:10-md-02185

Hon. Keith P. Ellison

**PLAINTIFFS' RESPONSE TO DEFENDANTS'
POST STATUS CONFERENCE ADVISORY (DOC. 157)**

The Ludlow Plaintiffs, with New York and Ohio (together, "Plaintiffs"), provide this brief response to Defendants' Advisory and Scheduling/Docket Control Order (Docs. 157, 157-1).

In short, Plaintiffs believe that setting a trial date and associated deadlines now will promote efficiency and timely resolution. Defendants' suggestion that trial setting should await the Court's rulings on pending motions to dismiss and, if a trial date is set, should commence in October 2013, more than two years away, will not achieve the goals of promoting an efficient and timely resolution of this action.

In addition, Plaintiffs' disagree with Defendants' suggested dates with regard to class certification (while the dates in the parties submission appear to be the same – February 2012, in reality they are quite different since tied to the timing of discovery and trial) . Under present Fifth Circuit precedent, Plaintiffs are required to make factual showings with regard to the merits of the claims. Indeed, Defendants themselves recognize as much when they say that "expert submissions and discovery are almost always required for class certification in securities cases . . ." Defendants' Response to Plaintiffs' Post Status Conference Advisory (DOC. 156), Docket Entry 157, p. 6, n.4. We respectfully submit that the motion for class certification be filed towards the end of the merits discovery period since Plaintiffs are required to make a showing on the merits and to require such a showing without adequate and reasonable time to conduct discovery is unfair.

While Plaintiffs believe that a July 2012 trial date is reasonable, as initially proposed, they are amenable to setting a trial date later in 2012 if the Court believes additional time is necessary and, of course, subject to the Court's own availability. Thus, if the Court sets a trial date later in 2012, Plaintiffs believe the class certification deadlines should also appropriately be pushed back by a number of months. Plaintiffs also believe that, with the setting of dates for Plaintiffs' motion for class certification and trial, the parties will be able to work together to reach accord on all other relevant pretrial dates and to submit a jointly proposed schedule to the Court for its consideration.

DATED: May 19, 2011

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Certificate of Service

I certify that on this 19th day of May, 2011, true and correct copies of the foregoing were electronically served on counsel of record in this matter who are registered with the Court's ECF filing system through ECF notification, and on all other counsel of record by first class mail.

/s/ Autry W. Ross

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